

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America
v.

ERIN LEIGH GEHRIG

*Defendant(s)***SEALED**

Case No. 4:21MJ3142

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 14, 2021 in the county of Buffalo in the
District of Nebraska, the defendant(s) violated:*Code Section*

18 U.S.C. § 922 (j)

Offense Description

knowingly possessed stolen firearms which had been shipped and transported in interstate commerce, knowing and having reasonable cause to believe the firearms were stolen.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.*Complainant's signature*

SA Jennifer Shipman, FBI

Printed name and title

Presented before the court by reliable electronic means on:

Date: Dec 22, 2021*Judge's signature*City and state: Lincoln, Nebraska

CHERYL R. ZWART, U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT IN SUPPORT OF A COMPLAINT

A. Introduction:

1. I am a "Federal Law Enforcement Officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(c), that is government agent engaging in enforcing the criminal laws and within the category of officers authorized by the Attorney General to request a search warrant. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and I have held that position since July 2010. I am currently assigned to the Omaha Field Office, Grand Island Resident Agency. Previously to being assigned to the Omaha Field Office, I was assigned to the Chicago Field Office. While employed by FBI, I have investigated federal criminal violations related to organized crime, gun and drug trafficking, violent crimes, violent gangs, child exploitation, and child pornography. I have received numerous hours of trainings related to conducting such criminal investigations.

B. Parameters Statement/Sources of Information:

2. I make this Affidavit, in part, based on my personal knowledge gathered during my participation in this investigation, upon conversations with other agents and officers who have engaged in numerous investigations involving the trafficking of firearms, and upon facts and information from the following sources I believe to be reliable: oral and written reports about this investigation which I received directly or indirectly from HSI and FBI Special Agents and interviews of material witnesses. This Affidavit is being submitted in support of a Criminal Complaint for Erin Leigh GEHRIG. I have not set forth every fact learned during the investigation, nor do I request this Court rely upon any facts not set forth herein in reviewing this application.

C. Purpose Statement:

3. The purpose of this affidavit is in support of a criminal complaint for Erin Leigh GEHRIG for possession of stolen firearms in violation of Title 18 USC 922 (j).

D. Probable Cause:

4. On April 13, 2021, a burglary occurred at the residence of Wayne Fox. Fox resides at 604 Marshall Street, Bertrand, Phelps County, Nebraska. Fox is the uncle of Erin GEHRIG.

5. On April 29, 2021, GEHRIG voluntarily presented to the Phelps County Sheriff's Office and spoke to Lieutenant Jamie Tilson reference a burglary that occurred in Bertrand, Phelps County, Nebraska. GEHRIG admitted that she had previously shown Joshua CASIANO where her "Uncle Wayne" (FOX) resides. GEHRIG had also told CASIANO that Fox possessed multiple firearms.

6. On May 4, 2021, GEHRIG was interviewed by Lieutenant Jamie Tilson, Phelps County Sheriff's Office and Officer Jason Garrels, Kearney Police Department. GEHRIG admitted that she was in possession of multiple firearms stolen by Joshua CASIANO. GEHRIG admitted that

she sold the stolen firearms to Justin HENNE and Zackery EINSPAHR for \$1500 United States Dollars. GEHRIG stated that HENNE and EINSPAHR reside at 2900 Grand Ave, Lot #321, Kearney, Buffalo County, Nebraska. GEHRIG admitted that she was aware the firearms were stolen at the time of the sale to HENNE and EINSPAHR.

7. On May 4, 2021, GEHRIG admitted on multiple occasions during the interview that she had relapsed and had been utilizing methamphetamine/drugs during this timeframe.

8. On May 20, 2021, Kearney Police Department served a State of Nebraska Search Warrant on HENNE'S and EINSPAHR'S residence located at 2900 Grand Ave, Lot #321 Kearney, Buffalo County, Nebraska. Fourteen stolen firearms were recovered from the residence and an additional stolen firearm was noted to be in North Platte, Nebraska. Kearney Police Department confirmed that thirteen of the fourteen firearms recovered from the residence were reported stolen by Fox to the Phelps County Sheriff's Office on April 13, 2021. The additional firearm recovered in North Platte, Nebraska was also reported stolen by Fox to the Phelps County Sheriff's Office on April 13, 2021.

9. On July 13, 2021, I and Kayla Farrell, A Special Agent with Homeland Security Investigations (HSI), interviewed GEHRIG at the Dawson County Jail. We advised GEHRIG of the *Miranda* warnings. GEHRIG agreed to speak with us. GEHRIG admitted that CASIANO stated he was going to "hit a lick," known to law enforcement to mean burglarize. GEHRIG admitted that CASIANO wanted guns and GEHRIG admitted that she advised CASIANO that her dad and uncle had guns. GEHRIG admitted she allowed CASIANO to utilize her minivan to go "hit a lick." GEHRIG admitted that CASIANO returned her minivan with large amounts of dust, pieces of a broken safe and fifteen to sixteen firearms in the vehicle. GEHRIG admitted that she knew the firearms were stolen.

10. On July 13, 2021, GEHRIG admitted she sold the stolen firearms to HENNE and his roommate, later identified as Zackery EINSPAHR, for \$1500 United States Dollars. GEHRIG believed she sold approximately twelve firearms to HENNE and EINSPAHR.

11. GEHRIG said that CASIANO was upset with her for selling the stolen firearms for only \$1500. GEHRIG also admitted that she recontacted HENNE after the completion of the sale because CASIANO wanted a black firearm back, this was later determined to be a SKS firearm. GEHRIG stated HENNE returned the firearm to her.

12. On July 13, 2021, GEHRIG admitted on multiple occasions during the interview that she had relapsed and had been utilizing methamphetamine since January 2020. GEHRIG stated multiple times that she needed to get to treatment for her addiction.

13. On July 22, 2021, SA Shipman, FBI and SA Farrell, HSI conducted a follow-up interview with GEHRIG at the Dawson County Jail per her request. GEHRIG reiterated that she had

retrieved a black firearm from HENNE after the sale was completed. GEHRIG reiterated that the firearm was to be returned to CASIANO.

14. During this follow up interview on July 22, 2021, GEHRIG again admitted on multiple occasions that she had relapsed and had been utilizing methamphetamine during this timeframe. GEHRIG stated that she needed to get treatment to get help with her addiction.

15. On August 4, 2021, I and SA Farrell interviewed HENNE. HENNE admitted that he and EINSPAHR bought multiple long gun firearms for \$1500 United States Dollars from GEHRIG in April 2021. HENNE provided a Facebook Messenger conversation to SA Shipman and SA Farrell reference the setup of the gun sale.

16. On August 4, 2021, HENNE confirmed he did return a black SKS long gun to GEHRIG after purchasing the firearm from her. HENNE stated GEHRIG claimed CASIANO was upset about the sale, so he returned the firearm to her at no cost. HENNE also provided a Facebook Messenger conversation to SA Shipman and SA Farrell reference the return of the SKS to GEHRIG.

17. On August 4, 2021, I and SA Farrell interviewed EINSPAHR. EINSPAHR admitted that he and HENNE bought multiple long gun firearms for \$1500 United States Dollars from GEHRIG in April 2021.

18. S.A. Anthony Sorenson with the Bureau of Alcohol, Tobacco, Firearms, and Explosives examined five of the firearms that were recovered in this case. He issued a report on December 13, 2021 that the five firearms he examined were all in fact firearms under federal law, and that they were all manufactured outside the state of Nebraska.


E. Conclusion:

18. Based on the above-mentioned information I would request the court issue a criminal complaint for GEHRIG for violation of possession of stolen firearms in violation of Title 18 U.S.C. § 922(j).


SA Jennifer Shipman, FBI

Sworn to before me by reliable electronic means:

Dec 22, 2021
DATE


Cheryl R. Zwart
United States Magistrate Judge